**ABANDONMENT POLICY**

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| **Policy Title** | **Property Abandonment Management** |
| **Policy Owner** | **St. Patrick’s VHA (St. Patrick’s Trust** |
| **Date Issued** |  |
| **Review Date** |  |

**Summary:** This Policy sets out the housing association’s approach to managing and dealing with abandoned properties across our scheme(s).

**Statement of Policy Aims:**

The aim of this policy is to ensure that in cases where properties are abandoned, the abandonment processes are undertaken effectively and efficiently. The Policy also aims to ensure that properties that have been abandoned are re-possessed and re-let as quickly as possible to avoid loss of rental income and any dilapidation of the property.

We aim to:

* Ensure our stock is used efficiently and is available for those in housing need
* Minimise the time taken to investigate reports of abandonment
* Ensure all queries regarding long term absence are dealt with consistently
* Ensure our tenants are aware of their responsibilities and obligations under the tenancy agreement and Residential Tenancies Act (RTA).
* Deal with individual circumstances where tenants may be in hospital or have received a prison sentence on a case by case basis in a sympathetic and efficient manner

**Definition:**

Abandonmentis where a tenant is no longer living in the dwelling and does not intend to return. No explicit surrender of the property and termination of the tenancy will have been made.

An abandoned property will normally meet some or all of the following criteria:

* The rent is not being paid
* Rent supports have been stopped
* Some or all of the tenant’ personal belongings have been removed
* Some or all of the tenant’s personal belongings are left behind
* A large amount of post has accumulated
* The garden (if any) is unmaintained
* Refuse bins are full and/or haven’t been collected in some time
* Utilities may be disconnected due to non-payment
* There are no comings and goings at the dwelling

**Tenant Obligations**

Abandonment and any associated rent arrears are a breach of the tenant’s obligations. There are also insurance implications where a property is left vacant and this is also considered a breach of the tenant’s obligations as per the tenancy agreement. The tenant is obliged to notify the Housing Association if there will be any absences for a period of time usually longer than 14 days.

**Investigation process**

Where the housing association suspects that a property has been abandoned, we will carry out investigations to determine whether this is the case.

The association will do everything that can be reasonably expected of them to establish whether a property has been abandoned or not. In doing so the association will consider:

* When the last communication with the tenant was
* Whether rent / benefits are still being paid
* Whether possessions have been left in the property
* Whether post has been collected or built up
* What neighbours say
* Whether food and/or rubbish has been left in the property
* Whether utility (gas, water, electricity) consumption has ceased
* Information via social protection and the local authority

We will make every effort to contact the absent tenant to see if they have any intention of returning and warn them that their home is at risk. When attempting to establish whether a property has been abandoned, we will have regard to the customer’s welfare, safety and legal rights. If they are known to be vulnerable, we will contact the relevant support agencies and next of kin as appropriate.

This investigation will be evidenced through photographs and an inventory will be taken. All attempts to contact the tenant will also be evidenced to demonstrate reasonableness.

Action will be taken to recover the property once reasonableness has been established and evidenced.

**Procedure when a property is deemed to be abandoned following investigations**

Following extensive investigations and failed attempts to contact the tenant and where the housing association is satisfied that they can demonstrate to the Residential Tenancies Board (if a dispute arose) that the tenancy has been abandoned, the below steps will be followed:

1. A warning letter will be issued to the tenant, regarding their breach of tenant obligations (citing reasons, as applicable: absence from the property for longer than stated in their tenancy agreement and not notifying the association of same and/or rent arrears) – the tenant will be allowed a ‘reasonable’ number of days to rectify their breach. A reasonable amount of time will depend on the circumstances of the tenancy, however in the case of rent arrears this will be a minimum of 28 days. (If no alternative address is provided, the notice will be sent to the address of the property where the tenant was living i.e. the abandoned property)
2. If the period of time in the warning letter elapses with no further contact from the tenant, then a Notice of Termination will be issued giving the required notice period (28 days) for the tenant to vacate the property and remove their belongings. (If no alternative address is provided, the notice will be sent to the address of the property where the tenant was living i.e. the abandoned property)
3. This NOT will be issued to the RTB within 28 days of the expiration of the notice period, in accordance with the Residential Tenancies Act (as amended in 2019). This applies to tenancies that have lasted for more than 6 months.
4. If the notice period elapses without any communication from the tenant, the housing association will issue a re-possession / abandonment notice to the tenant stating that their tenancy is now terminated and that the housing association has re-possessed the house. The housing association will enter and re-possess the property and remove any personal belongings to be placed into storage for a period of time.

**Absences for Prison Sentences**

Where absence is due to a prison sentence, the housing association will consider the following before making a decision on how to proceed:

* The nature of the crime;
* Expected duration of absence and whether the tenant has notified the housing association of this absence;
* The ability to pay rent for the duration of the sentence;
* Where the absence equates to a breach of tenant obligations and would have insurance implications for the property, the housing association will follow the steps at 1-4 above. Letters will be sent to the appropriate prison or if the whereabouts of the tenant is unknown it will be sent to the dwelling where the tenant last resided (i.e. the abandoned dwelling).
* Please note any incidences of ASB in our schemes will be treated with the utmost seriousness in accordance with the Residential Tenancies Act.

**Absences for Hospital Care**

Where absence is due to medical care with a hospital stay and the housing association has been notified of this, we will take action as follows:

* Liaise with the tenant, their family and professional medical advisors (where possible) to establish the best course of action for the tenant and their living arrangements.
* In cases where the tenant is able to move back to their home following a hospital stay and professional medical advice, the housing association will work with the tenant and their family members to ensure that this is a smooth and efficient process as possible.
* In cases where it is not possible for the tenant to return home due to health reasons following professional medical advice, the housing association will endeavour to sensitively work with the tenant and their family members to mutually end the tenancy to meet their needs and in accordance with the RTA.
* In cases where there are no family members and it is not possible for the tenant to return to their home for health reasons, the housing association will endeavour to come to a mutual agreement to end the tenancy with the tenant with the assistance of their medical advisors and an advocate (where possible).
* In cases where it is not possible for the tenant to return home for health reasons but they refuse to release back their home to the housing association following attempts to reach a mutual agreement, the housing association will have no option but to follow steps 1-4 above in accordance with the RTA.

**Procedure for managing Tenant Possessions in an abandoned property**

The housing association will make every attempt to contact the tenant to notify them that we are holding on to the tenant’s possessions for a period of 4 weeks following re-possession of the property. If the tenant does not make contact or return for their possessions within the 4 weeks the items will be disposed of.

**Sub-letting**

Sub-letting during periods of absence is strictly monitored and prohibited by the housing association.